

BEFORE THE
FEDERAL ELECTION COMMISSION

2012 JUN 27 PM 12:20

OFFICE OF FEDERAL
COUNCIL

Roberta Lange
Chair
Nevada State Democratic Party
1210 S. Valley View Blvd.
Suite 114
Las Vegas, NV 89102,

MUR # 6600

Complainant,

v.

Dean Heller
P.O. Box 371907
Las Vegas, NV 89137; and

Heller for Senate
P.O. Box 371907
Las Vegas, NV 89137,

Respondents.

COMPLAINT

Complainant files this complaint pursuant to 2 U.S.C. § 437g(a)(1) against Dean Heller and his principal campaign committee, Heller for Senate ("Respondents"). The facts indicate that Respondents violated the "Stand By Your Ad" requirements of the Bipartisan Campaign Reform Act of 2002.

I. Facts

On or about June 17, 2012, Respondents began to air a broadcast television advertisement, which can be found at http://www.youtube.com/watch?v=AMI_6XYNLKA. At the end of the advertisement, a written disclaimer appears that states, in its entirety: "Paid for by Heller for Senate." Throughout the advertisement, no written statement ever appears identifying the candidate or noting that he has approved the communication.

II. Legal Argument

The Bipartisan Campaign Reform Act of 2002 added a "Stand By Your Ad" provision requiring that broadcast television advertisements contain statements by a candidate noting that he or she has approved the advertisement. See 2 U.S.C. § 441d(d)(1)(B). Under the implementing Federal Election Commission regulations, a television

advertisement authorized by a candidate must contain an audio statement by the candidate identifying the candidate and stating that he or she approved the message; the audio voice-over must be accompanied by either "an unobscured, full-screen view" of the candidate, or else a picture of the candidate that is "at least eighty (80) percent of the vertical screen height." 11 C.F.R. § 110.11(c)(3)(ii). The advertisement must also contain a "similar statement that must appear in clearly readable writing at the end of the television communication." *Id.* § 110.11(c)(3)(iii).

Respondents' advertisement does not conform to these requirements. Nowhere in the advertisement does there appear a written statement identifying Mr. Heller or stating that he approved the communication. The written disclaimer at the end of the advertisement is insufficient, as it notes only that Heller for Senate paid for the communication.

While these requirements are technical, they serve an important purpose: they require candidates to endorse, clearly and plainly, the content of their advertisements. By neglecting to include a proper written approval statement, Mr. Heller and his campaign have failed to meet these requirements, and have thus blatantly violated federal election law.

The Commission should investigate immediately the violations presented herein, enjoin Mr. Heller and his campaign from further violations, and fine them the maximum amount permitted by law.

Sincerely,

Roxana Jany

SUBSCRIBED AND SWORN to before me this 21st day of June, 2012.

Linda M. Hall

Notary Public

My Commission Expires:

08/12/2014

